



# Flood Control District of Maricopa County

## Flood Control Advisory Board

**Meeting Minutes April 28, 2021**

**Board Members Present:** Richard Schaner, Chairman; Hemant Patel, DeWayne Justice, Daniel Worth, Ray Dovalina and Kyle Tilghman

**Staff Members Present:** Michael Fulton, Director; Angie Flick, Chief Administrator; Wayne Peck, General Counsel; Kristine Rabe; Clerk of the Board

**1) CALL TO ORDER**

Chairman Dick Schaner called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, April 28, 2021.

**2) ACTION ITEM - APPROVE THE MINUTES OF MARCH 24, 2021 MEETING**

**ACTION:** It was moved by Mr. Patel and seconded by Mr. Dovalina to approve the minutes as submitted. The motion carried unanimously, and the minutes were approved.

**3) ACTION ITEM – ELECTION OF OFFICERS**

Presented by Mr. Dick Schaner, Chairman

The objective is to determine whether the advisory board should elect the officers nominated: Mr. Hemant Patel, Vice Chairman; and Mr. Daniel Worth, Secretary, for the current period through October 2021 based on the slate recommended by the staff.

**ACTION:** Mr. Tilghman moved to elect the officers as nominated. Mr. Dovalina seconded the motion. The motion carried unanimously.

**4) ACTION ITEM – FISCAL YEAR 2022 FUND 991 AND FUND 998 OPERATING AND GRANT BUDGET, AND FUND 990 FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PROGRAM BUDGET REQUEST**

Presented by Karen Scott, Finance and Contracts Division Manager

Ms. Scott started by sharing the anticipated requested revenue for Fiscal Year 2022, \$93,753,227. The largest source of revenue for the District is property tax, followed by intergovernmental. Ms. Scott then shared a year-over-year revenue comparison for Fiscal

Year 2021 and Fiscal Year 2022. Property tax will increase by approximately \$4,000,000 next year strictly due to the increase in property values. The intergovernmental is increasing by approximately \$3,000,000, mainly due to the NRCS project at Buckeye FRS 1. Interest income and grants are anticipated to remain the same. Miscellaneous is increasing slightly, by approximately \$100,000, and Licenses and Permits is anticipated to increase by \$25,000, with an overall increase of approximately \$7,300,000 in Fiscal Year 2022.

Ms. Scott then went on to share a pie chart showing the Fiscal Year 2022 Requested Expenditures. Capital Improvement Projects make up 60% of expenditures, followed by Operations and Maintenance. Expenditures are anticipated to be approximately \$137,600,000.

Ms. Scott followed this by sharing a year-over-year expenditure comparison for Fiscal Year 2021 and Fiscal Year 2022. There is an approximate \$2,500,000 increase in Operating expenditures in Fiscal Year 2022. This increase will accommodate additional planning and delineation work as well as a pay-for-performance for next year. Non-Recurring is increasing in Fiscal Year 2022 by approximately \$4,900,000 to accommodate the asset management program, the Durango campus water reduction project and some additional one time plans and inspections for work related to the Community Rating System and Flood Response Plans.

Major Maintenance-Capital is increasing by \$2,000,000, which is for a specific project. The West Yard Building category is increasing by \$2,800,000 which is for the estimated construction costs for the building. Fiscal Year 2022 expenditures are approximately \$10,000,000 more than Fiscal Year 2021.

Ms. Scott then went on to share the Fund 990 Appropriation which includes Flood Control Capital, Small Project Assistance Program, Floodprone Property Assistance Program, Major Maintenance, Facilities Capital – West Yard. The Fiscal Year 2022 requested expenditures totaled \$92,462,596, approximately \$2,500,000 over Fiscal Year 2021.

Ms. Scott then shared how the money will be spent by phase. Approximately \$7,400,000 will be for design, \$4,957,000 for land, \$78,274,249 for construction, and \$1,791,347 for labor.

The estimated Fund Balance projections show that the District should be under \$100,000,000 in Fiscal Year 2022 and a decrease should occur each year until Fiscal Year 2025 and 2026.

**STAFF RECOMMENDS THE FOLLOWING ACTION:** It is moved that the Flood Control Advisory Board endorses and recommends the District's Fiscal Year 2022 Fund 991 and 989 Operating requested budget, and the Fiscal Year 2022 – Fiscal Year 2026

Fund 990 Five-Year Capital Improvement and Major Maintenance Program (Flood Control CIP Fund), subject to adjustments made to reflect the Board of Directors policy determinations.

Mr. Dovalina asked two questions regarding the Floodprone Property Assistance Program. The first question, is the program for incorporated and/or unincorporated areas? The second question was, is there an official process for the Program? Mr. Fulton responded that the Program is available District wide and applies in incorporated and unincorporated County. On the District's website there are guidelines posted regarding the Program.

There were no further questions from the Board.

**ACTION:** Mr. Justice moved that the Board approve the recommendations. Mr. Worth seconded the motion. The motion carried unanimously.

**5) PENDING LETTER OF MAP REVISION POLICY**

**PURPOSE:** Information and discussion item only. No formal action required.

Presented by Mr. Scott Vogel, Chief Engineer and General Manager

Mr. Vogel started by sharing background information on the proposal to issue Floodplain Use Permits where a letter of map revision application is pending. Floodplain Regulations for Maricopa County require Floodplain Use Permits (FUPs) for all development on land located in a floodplain. Floodplains are shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). A Letter of Map Revision (LOMR) is the method by which FIRMs are modified. Applications for LOMRs often result from the construction of drainage improvements and/or by an updated floodplain study. FEMA's LOMR application reviews take many months to process, are subject to an appeal period, and usually become effective within six months after a new map and a "future effective date" are issued.

Mr. Vogel then went on to share the current Floodplain Use Permit practice. Today, until the LOMR application is approved and the FIRMs are officially revised (are "effective"), FUPs for such development require the lowest floor for building construction be at or above the existing (pre drainage improvements) Regulatory Flood Elevation. As a result, despite the construction of the drainage improvements that have practically removed building sites from the floodplain, currently FUPs to allow concurrent construction may only be issued based on the effective FIRMs.

The changes proposed include the following: The District is proposing that under certain conditions FUPs may be issued for building construction based on a pending LOMR while the LOMR is subject to the appeal period and before the FIRMs are officially revised.

Upon the request of an applicant, the District proposes to consider a variance to the regulations and issue FUPs where a LOMR application is in process under the following conditions: The technical merits of the LOMR have been approved by FEMA as communicated through the issuance of a “future effective date” and a new map (LOMR Determination Document); the lowest floor elevation of a building may be less than the currently effective Regulatory Flood Elevation, but may not be below the effective Base Flood Elevation; no Certificate of Occupancy will be issued until the LOMR becomes effective; the community that is dependent upon the District for floodplain management is supportive.

This practice applies in the following areas where the District performs floodplain management: Unincorporated Maricopa County, City of Buckeye, Town of Carefree, Town of Cave Creek, City of Chandler, City of El Mirage, Town of Gila Bend, Town of Guadalupe, City of Litchfield Park, City of Mesa, Town of Queen Creek, City of Surprise, City of Tolleson, Town of Wickenburg, and Town of Youngtown.

Mr. Vogel then addressed the topic of whether or not this change in policy would put people or property at risk. In short, no. There is a small risk to the developer that the LOMR may vary from that requested in the application. Drainage infrastructure removing the flood hazard has been constructed. No Certificates of Occupancy will be issued until/unless the LOMR becomes effective.

Chairman Dick Schaner asked if there would be any additional time after the appeal period. Mr. Vogel responded that this would allow for an issuance of Floodplain Use Permits during the appeal period. The appeal period is at the end of the LOMR technical approval period from FEMA.

There were no further questions from the Board.

**6) UPDATE ON PROJECTS FOR SUN CITY AND SUN CITY WEST**

**PURPOSE:** Information and discussion item only. No formal action required.

Presented by Mr. Frank Hakari, P.E., Project Manager

Mr. Hakari started by sharing background information on the project, repairs and improvements to the channels of Sun City and Sun City West. The District operates and maintains numerous shotcrete-lined channels in Sun City and Sun City West, and these channels range in age from 31 to 59 years.

In August of 2014 a structure assessment was completed and an in-house Design Concept Report (DCR) was completed in July 2019 which prioritized 16 locations with the most need of repairs, with the estimated cost of \$25,000,000.

The first priority identified on the list was the Sun City Drains on the Olive Avenue Channel. The District recently started construction on the channel in March and is nearing completion of design for another channel. Mr. Hakari shared several photos of the condition of the channels, which has deteriorated as the channels reach end of life.

Mr. Hakari went on to share updates on several of the other phases in the North Sun City area. Phase 3 is currently under design with the District staff. Phase 7 and 8 will be designed by a consultant in the near future. Phase 4, 9 and 16 will be completed using a Job Order Contract (JOC).

Mr. Hakari then shared updates on phases for the Sun City West Drain locations. Phases 5 and 12 will be designed by an outside consultant. The other phases, 2, 6, 10, 11, 12 13, and 14, will be completed using a JOC.

The District is also working with Maricopa County Department of Transportation to add access ramps to some of the channels in order to improve access for maintenance purposes. There were 18 areas that were identified needing either ramps or safety railing.

Chairman Dick Schaner inquired if the \$25,000,000 estimate included repair and replace cost and not just repair. Mr. Fulton responded that like for like is being replaced, the scope of the work has not changed since the estimate was calculated.

Chairman Dick Schaner then asked if the District had looked at the adequacy from a capacity standpoint. Mr. Fulton responded that the District had not as there was not a lot of options for expanding capacity in most of the areas. Mr. Vogel added that there hadn't been any significant flooding in the area that would identify a need for increasing the size of the channels.

There were no further questions from the Board.

**7) UPDATE ON WHITE TANK FLOOD RETARDING STRUCTURE SYSTEM COMPLETION**

**PURPOSE:** Information and discussion item only. No formal action required.

Presented by Mr. Steve Brown, P.E., Senior Geotechnical Engineer

Mr. Brown started by sharing information on the White Tank Flood Retarding Structures System. The system is made up of the following components: North Inlet Channel, White Tank FRS No. 3, White Tank FRS No. 3 Outlet Channel, White Tank FRS No. 4 Inlet Channel, White Tank FRS No. 4, White Tank FRS No. 4 Outlet Pipeline, and Loop 303 Outfall Channel which eventually flows into the Gila River.

Mr. Brown then shared construction completion dates for the system components. White Tank FRS No. 3 was completed in 1956 and rehabilitated in 2011. White Tank FRS No. 4 was completed in 1956 and rehabilitated in 2017. White Tank No. 4 Inlet Channel was completed in 1998, the North Inlet Channel in 2009, and White Tank No. 3 Outlet Channel in 2013. The Loop 303 Outfall Channel was completed two year later in 2015, and lastly the White Tank No. 4 Outlet Pipeline was completed in 2021.

Mr. Brown went on to share background information regarding White Tank FRS No. 3 which is an earthfill flood retarding structure (FRS). It was constructed by the Soil Conservation Service (Natural Resources Conservation Service) in 1956 and is operated and maintained by the District. ADWR is the regulatory agency. The crest length is 2.2 miles and height is 30.5 feet. Several photos showing construction during rehabilitation were shown as well as a before and after aerial.

The White Tank FRS No. 4 is also an earthfill flood retarding structure and was constructed in 1956 by Soil Conservation Service (Natural Resources Conservation Service). It is operated and maintained by the District and ADWR is the regulatory agency. The crest length is 1.3 miles and the height is 20 feet. Rehabilitation for this dam occurred in two phases and was completed in 2017.

The White Tank No. 4 Outlet Pipeline is a three-mile pipeline that flows completely underground to the Loop 303 Outfall Channel. The Loop 303 Outfall Channel was constructed in partnership with Arizona Department of Transportation.

## **8) COMMENTS FROM THE DIRECTOR**

Presented by Michael Fulton, Director

**PURPOSE:** Information and discussion item only. No formal action required.

Mr. Fulton shared that the District is preparing to send out the annual letter to solicit projects from our project partner for Fiscal Year 2023. This includes proposals for Small Project Assistance Program (SPAP), Capital Improvement Program (CIP), floodplain delineations and planning studies.

Mr. Fulton also mentioned that the District is preparing for post COVID workspace. Chairman Dick Schaner asked if Mr. Fulton knew the percentage of District staff that had been vaccinated. Mr. Fulton replied that he did not know as it was not a requirement of employment.

## **9) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS**

Presented by Michael Fulton, Director

**PURPOSE:** Information and discussion item only. No formal action required.

At the Board of Directors meeting on March 24, 2021, the Board of Directors approved the Competition Impractical with Black and Veatch Inc. for Guadalupe FRS Interim Fix Final Design and Post Design. Black and Veatch will perform design services for the demolition of the existing intake structure at Guadalupe FRS and replacement with a new intake structure located on the existing dam embankment.

At the Board of Directors meeting on April 7, 2021, the Board of Directors approved the Bid and Award for Oak Street Basin and Storm Drain Project which authorizes the advertisement of the Invitation for Bids of the Oak Street Basin and Storm Drain Project FCD 2021C010 and the award of the contract to the lowest responsible bidder, if the bid is not more than ten percent (10%) over the engineer's estimate.

The Oak Street Detention Basin and Storm Drain project involves construction of a basin at Oak Street and Hawes Road, and storm drains east along Oak Street and north along Hawes Road. The project will provide protection in conjunction with drainage infrastructure constructed by the Hermosa Vista/Hawes Road and McDowell Road projects.

#### **10) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC**

There were no comments by members of the public.

Chairman Dick Schaner adjourned the meeting at 2:55 p.m.